

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Corroero, §
Chad Higdon, Jennifer Higdon, Gene §
Hopkins, Frederick Lee Jenkins, Mary §
Jenkins, Tavish Kelly, Donna Knezevich, §
Joseph Knezevich, Doris Lee, Lauren Lynch, §
Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Phillee, Grant Sowell, Sybil Tribble, Laura §
VanOvershelde, and Elaine Vechorik §

Plaintiffs, §

v. §

The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants. §

Cause No. 3:14-cv-00532-HTW-LRA

SUMMARY JUDGMENT EXHIBITS – VOLUME 4

Exhibit	Description
8	July 8, 2014 Letter from Madison County Circuit Clerk
9	Declaration of Roberta Swank and Incident Reports
10	Declaration of Melinda Kinley and Incident Reports
11	Declaration of Ruth Wall and Incident Reports

LEE WESTBROOK
MADISON COUNTY CIRCUIT CLERK

lee@madison-co.com

P.O. Drawer 1626 • Canton, MS 39046 • Phone: 601-859-4365 • 601-352-2049 • Fax: 601-859-8555

July 8, 2014

Eades L. Hogue
Beirne, Maynard & Parsons, LLP
601 Poydras Street
New Orleans, LA 70130-6097

Re: Voter Registration Records
Madison County, Mississippi

Dear Sir:

I have received a copy of your memorandum to Catherine Engelbrecht, True the Vote dated July 6, 2014. I have no information or an address for Ms. Engelbrecht; so, my response will be directed to you.

Please be advised that the Madison County Election Commissioners have not input the voter history for the June 3, 2014 Primary election nor the June 24, 2014 Primary run-off election. You may purchase a photocopy of the Madison County poll books (with the birth date redacted). The are 6,107 pages for the Republican poll book. And, 6,107 pages for the Democratic poll book. The fee to photocopy this information is 25¢ per page.

When we receive your request along a detailed description of exactly what you want, we will begin to photocopy the poll books.

Sincerely,



Lee Westbrook
Madison County Circuit Clerk

EXHIBIT 8

BEIRNE, MAYNARD & PARSONS, L.L.P.
601 POYDRAS STREET
SUITE 2200
NEW ORLEANS, LOUISIANA 70130-6097

MEMORANDUM

TO: Catherine Engelbrecht, True the Vote
FROM: Eades L. Hogue
DATE: July 6, 2014
RE: Access to voter registration records under federal law

Your volunteers who will be going to the offices across Mississippi tomorrow should know that they have a right to inspect all voter registration documents, including dates of birth, under Section 8 of the National Voter Registration Act of 1993¹.

Absentee ballot applications are required to be maintained by the State pursuant to 42 USC 1974². An absentee ballot application is a relevant voter registration document that you should be allowed to review. Any address information contained on the absentee ballot applications could have been used by the state to update voter registration lists. Accordingly, since the state could use the absentee ballot applications to update registrants' addresses, they should be subject to public inspection under the National Voter Registration Act of 1993.

¹ Public disclosure of voter registration activities (1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered. (2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) of this section are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made. 42 U.S.C. 1973gg-6(i).

² Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election, except that, when required by law, such records and papers may be delivered to another officer of election and except that, if a State or the Commonwealth of Puerto Rico designates a custodian to retain and preserve these records and papers at a specified place, then such records and papers may be deposited with such custodian, and the duty to retain and preserve any record or paper so deposited shall devolve upon such custodian. Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both. 42 U.S.C. 1974.

IN THE UNITED STATES DISTRICT COURT
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Plaintiffs,

v.

The Honorable Delbert Hosemann, in his
official capacity as Secretary of State for
the State of Mississippi, The Republican
Party of Mississippi, Copiah County,
Mississippi Election Commission, Hinds
County, Mississippi Election Commission,
Jefferson Davis County, Mississippi
Election Commission, Lauderdale County,
Mississippi Election Commission, Leake
County, Mississippi Election Commission,
Madison County, Mississippi Election
Commission, Rankin County, Mississippi
Election Commission, Simpson County,
Mississippi Election Commission, and Yazoo
County, Mississippi Election Commission

Defendants.

Cause No. 3:14-cv-00532-HTW-LRA

DECLARATION

By: Roberta Swank

1. I, Roberta Swank, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See* 28 U.S.C. § 1746.

2. In the days following the June 24 Republican Primary Run-Off Election, I was part of a group of True the Vote volunteers who requested access to voting records from Yazoo County. The purpose of my request was to determine whether

EXHIBIT 9

or not voters who had voted in the Democratic Primary unlawfully double voted in the Republican Primary Run-Off Election and whether any other irregularities had occurred during the Election.

3. I made a request at the Yazoo County Circuit Clerk's office on July 7, 2014 for voter records. Robert Coleman is the Circuit Clerk for Yazoo County.

4. I was unable to inspect the records without paying for the redaction of those records.

5. Attached to this declaration is a true and correct copy of the incident report I completed regarding my request for records from Yazoo County. The report is filled out in my own handwriting and I recognize the writing as a true and correct copy of the reports I completed based on its appearance, contents and substance.

6. The attached incident report was prepared by me to describe the events that occurred during my visit to Yazoo County. I made the report immediately after the events described therein and when those events were fresh in my memory. Upon completing the report, I gave it to True the Vote to maintain in its records.

7. Further, declarant sayeth not.

Signed on this the 5th day of August, 2014.



Roberta Swank



TRUE *the* VOTE

INCIDENT REPORT

NAME *Roberta Swank / Erin Anderson*

DATE *7-7-14*

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD #

POLLING PLACE NAME

Yazoo County Circuit Clerk

ADDRESS

211 East Broadway

CITY

Yazoo City

STATE

MS

ZIP

COUNTY

Yazoo

Please complete the fields below using your notes

POLL SUPERVISOR

Circuit Clerk - Robert Coleman

ASST POLL SUPERVISOR

CLERK 1 NAME

CLERK 2 NAME

CLERK 3 NAME

CLERK 4 NAME

OFFENDER POSITION

DATE/TIME OF INCIDENT

7-7-14

Continue to Second Page

EXHIBIT 9-A



TRUE the VOTE

TYPE OF INCIDENT

Request for Voter Data to review election materials
(Absentee ballots, Ball books) from primary & runoff

DESCRIPTION OF INCIDENT

Spoke to woman at circuit clerk's off. w. She ~~said~~ said Robert Coleman, Circuit Clerk, was out all week for statewide training meeting. Coleman is person who can make final decisions. We can request data when Coleman returns. Request must be made in writing. Data can be put on Zircdrive, due to size. Must pay for County employee time to redact. For hard copy cost is \$1 per page. There would be approximately 700 pages. She called 10 people from the McDaniell and Cochran campaigns who were reviewing documents. Cochran's rep asked who we were and where we were from. He accused us of being w/ the McDaniell campaign. All said we could not review docs because we did not have "credentials." They said we could have looked at documents before the records were "locked." I asked if certification triggered lock, but did not get a clear answer. County Commissioners and candidates were reviewing documents last week and this week. We are "locked out" now. Said it would be easier to get from SCJ.

REMEDY OR ACTION TAKEN

I hereby and affirm that the above information is true and correct.

SIGNATURE

[Handwritten Signature]

Mail To:
True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org

IN THE UNITED STATES DISTRICT COURT
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official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
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Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants.

DECLARATION

By: Melinda Kinley

1. I, Melinda Kinley, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See* 28 U.S.C. § 1746.

2. In the days following the June 24 Republican Primary Run-Off Election, I was part of a group of True the Vote volunteers who requested access to voting records from Hinds County. The purpose of my request was to determine whether

or not voters who had voted in the Democratic Primary unlawfully double voted in the Republican Primary Run-Off Election and whether any other irregularities had occurred during the Election.

3. I made a request at the Hinds County circuit clerk's office on July 7, 2014 and July 8, 2014 for voter pollbooks and absentee ballot applications and envelopes. Election Commissioner Cochran and Ms. Ruth Wall were present when I made the request.

4. In writing, I requested access to inspect absentee ballot applications and envelopes, absentee request forms and voter pollbooks from Barbara Dunn, the Hinds County Circuit Clerk. I was unable to inspect and copy the records I requested.

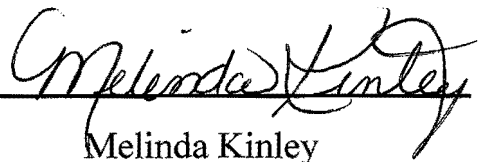
5. Attached to this declaration is true and correct copy of a written request for records made to Hinds County signed by me. The request is filled out in Jan Loar's handwriting while Melinda Kinley, Ruth Wall and Sharon Quinn tried to dictate the correct wording for this Open Records request. It is signed by me and I turned the request into the records office. I recognize the document as a true and correct copy of the request I signed based on its appearance, contents and substance. I recognize my signature on this document.

6. Also attached to this declaration are true and correct copies of the incident reports I completed regarding my requests for records from Hinds County. The reports are filled out in my own handwriting and I recognize the writings as true and correct copies of the reports I completed based on their appearance, contents and substance.

7. The attached incident reports were prepared by me to describe the events that occurred during my visits to Hinds County. I made the reports immediately after the events described therein and when those events were fresh in my memory. Upon completing the reports, I gave them to True the Vote to maintain in its records

8. Further, declarant sayeth not.

Signed on this the 5th day of August, 2014.


Melinda Kinley

**TRUE *the* VOTE****INCIDENT REPORT****NAME** *Melinda Linley***DATE** *7-7-2014*

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD #**POLLING PLACE NAME****ADDRESS****CITY****STATE****ZIP****COUNTY***Hinds*

Please complete the fields below using your notes.

POLL SUPERVISOR**ASST POLL SUPERVISOR****CLERK 1 NAME****CLERK 2 NAME****CLERK 3 NAME****CLERK 4 NAME****OFFENDER POSITION***Elections Office***DATE/TIME OF INCIDENT**

Continue to Second Page

EXHIBIT 10-A



TRUE *the* VOTE

TYPE OF INCIDENT

DESCRIPTION OF INCIDENT

Boxes of Democratic Poll Books from the 2014 Primary + Runoff were sitting in open boxes on the floor. Bill Billingsly pulled out a pole book & flipped through it to show us how voters voted in both elections. My concern - books in open boxes sitting on floor in Conference Room. 2 doors (1 from hallway + 1 from elections office) that people could go in + out.

REMEDY OR ACTION TAKEN

I certify and affirm that the above information is true and correct.

SIGNATURE

Melinda Lintley Ruth Wall
Sharon Orrin
Jan Roa

Mail To:

True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:

info@truethevote.org

**TRUE *the* VOTE****INCIDENT REPORT****NAME** Melinda Kinley**DATE** 7-8-14

Please complete the fields below using the notes from your activities as a poll watcher

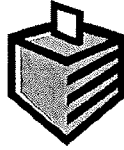
PRECINCT/WARD # **POLLING PLACE NAME** **ADDRESS** **CITY** **STATE** **ZIP** **COUNTY** Hinds

Please complete the fields below using your notes.

POLL SUPERVISOR **ASST POLL SUPERVISOR** **CLERK 1 NAME** **CLERK 2 NAME** **CLERK 3 NAME** **CLERK 4 NAME** **OFFENDER POSITION** **DATE/TIME OF INCIDENT**

Continue to Second Page

EXHIBIT 10-B



TRUE *the* VOTE

TYPE OF INCIDENT

DESCRIPTION OF INCIDENT

*The door ^{to the examination Room from the hallway} was a revolving door for the press & other people who were in & out of the room for at least the 1st 3 hours.
We were NOT Allowed in Room at all.*

REMEDY OR ACTION TAKEN

I certify and affirm that the above information is true and correct.

SIGNATURE

Melinda Linley, Ruth Wall

Mail To:

True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org



TRUE *the* VOTE

INCIDENT REPORT

NAME

Melinda Kinley

DATE

7-7-2014

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD #

POLLING PLACE NAME

ADDRESS

CITY

STATE

ZIP

COUNTY

HINDS

Please complete the fields below using your notes.

POLL SUPERVISOR

ASST POLL SUPERVISOR

CLERK 1 NAME

CLERK 2 NAME

CLERK 3 NAME

CLERK 4 NAME

OFFENDER POSITION

Bill Billingsley - Volunteer for Chris McDaniel's campaign, Member of Election Board of Madison County

DATE/TIME OF INCIDENT

Continue to Second Page

EXHIBIT 10-C



TRUE *the* VOTE

TYPE OF INCIDENT

DESCRIPTION OF INCIDENT

Bill Billingsley told us "Citizens can't participate in the examination process. Only the McDaniel + Cochran people."

REMEDY OR ACTION TAKEN

I certify and affirm that the above information is true and correct.

SIGNATURE

Melinda Rintey, Keith Wall
Sharon Rubin, Jan Lee

Mail To:

True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:

info@truethevote.org



TRUE *the* VOTE

INCIDENT REPORT

NAME

Melinda Kinley

DATE

7-8-14

Please complete the fields below using the notes from your activity log as a poll watcher.

PRECINCT/WARD #

POLLING PLACE NAME

ADDRESS

CITY

STATE

ZIP

COUNTY

Hinds

Please complete the fields below using your notes.

POLL SUPERVISOR

ASST POLL SUPERVISOR

CLERK 1 NAME

CLERK 2 NAME

CLERK 3 NAME

CLERK 4 NAME

OFFENDER POSITION

DATE/TIME OF INCIDENT

Continue to Second Page

EXHIBIT 10-D



TRUE *the* VOTE

TYPE OF INCIDENT**DESCRIPTION OF INCIDENT**

See Attached

REMEDY OR ACTION TAKEN

I certify and affirm that the above information is true and correct.

SIGNATURE

Melinda Lindsey, Ruth Wall

Mail To:

True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org

7-8-14

Barbara Dunn - Circuit Clerk - Hinds County

B. Dunn walked out of the examination room + Ruth Wall + I met her. Complimented her blue dress, etc. We introduced ourselves + Ruth told her we were with ~~Orue~~ the Vote. We chit chatted a little bit about random things.

B. Dunn brought up the Circuit Clerks Conference that she would be leaving for the next morning. It was going to be in Bay St. Louis. She was taking her daughter. (are tax payers paying for this?)

B. Dunn said "I'm leaving town tomorrow for the circuit clerk convention on the coast and I am looking forward to it. I'm tired of all this. It's like a bunch of kids fighting. I won't be here so someone ~~else~~ else can take of this while I am gone." Ruth said "Will someone else be in charge?" B. Dunn said "Someone in her office will answer the questions + get what they need."

Ruth + I asked if it was true that only 2 people from each ~~com~~ party were allowed to be in the examination room. B. Dunn made a quizzical face. (a face that said why not?) I ~~and~~ asked if she could find out what the rule is for

this. She very quickly said "Oh, its too crowded in there. There is not enough room."

B. Dunn ~~of~~ said we could bring 2 chairs where we had been standing for 3 hours. (Ruth & I were told 1st thing in the morning that when they finished examining 1 box, they would let us start looking at the box. So - we stood outside the door & waited & waited!) B. Dunn also offered us water.

I was told earlier by Bill Billingsly that he would hand us the box they were examining when they were done. This bothered me so I asked B. Dunn if it was alright for him to do this. My exact question was "When Bill gives us the boxes of ballots to examine, can we go down the hall & sit at the table to look at them?" she said "Yes".

Ruth asked "Do we need to bring them to you 1st so you can release them to us, or do we just go & sit at the table & go through them?" She said "Yes, that's fine." I said "I just want to make sure we are doing the right thing" & Ruth said "Yes, we don't want to get in trouble."

This really bothered me thinking that anyone could do this & walk out the building with them. I couldn't believe Bill would just hand them to me in the hall & no one would be supervising us. I asked B. Dunn "So, it's O.K. for Bill to just hand them off to us without signing anything?" B. Dunn said "Yes, just be sure to bring them back to my office when you are finished." I said "Your office means going through those glass doors & just giving them to someone in there?" She said "Yes". Ruth said "Is that where Zack is?" B. Dunn said "Yes". Ruth said - "So we'll just come in & put them on the counter?"

I said once again "So, it's O.K. to take the Ballots from Bill, walk down the hall to the Table & sit & look through the ballots?" B. Dunn said "Yes, Oh, ~~well~~ I will have 1 of my people sitting with you."

B. Dunn said "I can't wait to go to the beach because this was a (something about busy time with the Run off, etc.)"

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(2) From and after July 1, 2008, no person may qualify as a candidate for more than one (1) municipal office if the election for those offices occurs on the same day. If a person takes the steps necessary to qualify for more than one (1) office, the appropriate executive committee or election commissioner shall determine the last office for which the person qualified and the person shall be considered to be qualified as a candidate for that office only and the person shall be notified of this determination.

SOURCES: Laws, 2007, ch. 604, § 1, eff September 10, 2007 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965, to the addition of this section.)

ARTICLE 29. ELECTION CONTESTS.

Subarticle A. General Provisions

§ 23-15-911. Control of ballot boxes and their contents after general or primary elections; examinations by candidates or their representatives.

(1) When the returns for a box and the contents of the ballot box and the conduct of the election thereat have been canvassed and reviewed by the county election commission in the case of general elections or the county executive committee in the case of primary elections, all the contents of the box required to be placed and sealed in the ballot box by the managers shall be replaced therein by the election commission or executive committee, as the case may be, and the box shall be forthwith resealed and delivered to the circuit clerk, who shall safely keep and secure the same against any tampering therewith. At any time within twelve (12) days after the canvass and examination of the box and its contents by the election commission or executive committee, as the case may be, any candidate or his representative authorized in writing by him shall have the right of full examination of said box and its contents upon three (3) days' notice of his application therefor served upon the opposing candidate or candidates, or upon any member of their family over the age of eighteen (18) years, which examination shall be conducted in the presence of the circuit clerk or his deputy who shall be charged with the duty to see that none of the contents of the box are removed from the presence of the clerk or in any way tampered with. Upon the completion of said examination the box shall be resealed with all its contents as theretofore. And if any contest or complaint before the court shall arise over said box, it shall be kept intact and sealed until the court hearing and another ballot box, if necessary, shall be furnished for the precinct involved.

(2) The provisions of this section allowing the examination of ballot boxes shall apply in the case of an election contest regarding the seat of a member of the State Legislature. In such a case, the results of the examination shall be reported by the applicable circuit clerk to the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.

SOURCES: Derived from 1972 Code § 23-3-23 [Codes, 1942, § 3169; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 279; Laws, 1987, ch. 499, § 10; Laws, 2000, ch. 450, § 4, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section.)

§ 23-15-913. Judges to be available to hear and resolve election day disputes.

The judges listed and selected to hear election disputes as provided in Section 23-15-951, Mississippi Code of 1972, shall be available on election day to immediately hear and resolve any election day disputes. The rules for filing pleadings shall be relaxed to carry out the purposes of this section. The judges selected shall perform no other judicial duties on election day. The Supreme Court shall send judges to the sites of disputes but no judge shall hear a dispute in the district, subdistrict or county in which he was elected nor shall any judge hear any dispute in which any potential conflict may arise. Each judge shall be fair and impartial and shall be assigned on that basis.

SOURCES: Laws, 1999, ch. 301, § 15, eff from and after January 15, 1999 (the date the United States Attorney



TRUE *the* VOTE

INCIDENT REPORT

NAME *Melinda Kinky*

DATE *7-7-14*

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD #

POLLING PLACE NAME

ADDRESS

CITY

STATE

ZIP

COUNTY

Hinds

Please complete the fields below using your notes.

POLL SUPERVISOR

ASST POLL SUPERVISOR

CLERK 1 NAME

CLERK 2 NAME

CLERK 3 NAME

CLERK 4 NAME

OFFENDER POSITION

Election Office

DATE/TIME OF INCIDENT

Continue to Second Page

EXHIBIT 10-E



TRUE the VOTE

TYPE OF INCIDENT

DESCRIPTION OF INCIDENT

(Conference)
Wanted to look at Absentee Ballots. Connie Cochran took us to back room where there was an open box of Ballots ~~on the table~~ sitting on table. She saw them + said we could look at them. They were random ballots - Some had envelopes attached, and I thought I saw a 2003 date on ~~the~~ one of them. We said we wanted the ballots from the 2014 Run Off election. She said we could NOT look at them until the election was certified. Maybe that afternoon, maybe tomorrow.

REMEDY OR ACTION TAKEN

I certify and affirm that the above information is true and correct.

SIGNATURE

Melinda Kintley, Ruth Wall, Shannon Davis
Jan Lee

Mail To:

True the Vote

P.O. Box 27378

Houston, Texas 77227

Scan and E-mail to:

info@truethevote.org



TRUE *the* VOTE

INCIDENT REPORT

NAME Melinda Kinsley

DATE 7-7-14

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD #

POLLING PLACE NAME

ADDRESS

CITY **STATE** **ZIP**

COUNTY Hinds

Please complete the fields below using your notes.

POLL SUPERVISOR

ASST POLL SUPERVISOR

CLERK 1 NAME

CLERK 2 NAME

CLERK 3 NAME

CLERK 4 NAME

OFFENDER POSITION Grace - lady in office Bill B. King - volunteer for McDaniels campaign

DATE/TIME OF INCIDENT

Continue to Second Page

EXHIBIT 10-F



TRUE the VOTE

TYPE OF INCIDENT	
DESCRIPTION OF INCIDENT	<p><i>(primary runoff 2014)</i></p> <p>Wanted to get electronic info from Connie Cochran. Bill left room + came back + said Connie at lunch (11:20) + would be back in 30 min. We waited. after 45 min., Ruth Wall went to ask Grace (lady working in office) if Connie was back. Grace said "she just went to lunch". Ruth asked "When will she be back?" Grace said "Oh, probably an hour or so."</p> <p>Ruth Wall w/ TTV was the one who asked "Grace" if Connie was back from lunch + Grace said, "No, she just left." RW</p>
REMEDY OR ACTION TAKEN	

I certify and affirm that the above information is true and correct.

SIGNATURE *Melinda Lindsey, Ruth Wall, Sharon Quinn*

Mail To:
 True the Vote
 P.O. Box 27378
 Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org

Open / Public Records Request

Run Off Election - July 7, 2014
Cochran / McDaniel

As of June 24, 2014

Please provide the following
from the June 24th, 2014 Run-Off

- 1.) Absentee Ballot Application
- 2.) Absentee Ballot Request Forms
- 3.) Absentee Ballot Envelopes
- 4.) Poll Books


Thank you so much!

Melinda Kinty

FILED

JUL -7 2014

BARBARA DUNN CIRCHITZ CLERK

BY  D.C.

HINDS

EXHIBIT 10-G

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Correro, §
Chad Higdon, Jennifer Higdon, Gene §
Hopkins, Frederick Lee Jenkins, Mary §
Jenkins, Tavish Kelly, Donna Knezevich, §
Joseph Knezevich, Doris Lee, Lauren Lynch, §
Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Phillely, Grant Sowell, Sybil Tribble, Laura §
VanOverschelde, and Elaine Vechorik §

Plaintiffs, §

v. §

Cause No. 3:14-cv-00532-HTW-LRA

The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants.

DECLARATION

By: Ruth Wall

1. I, Ruth Wall, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See* 28 U.S.C. § 1746.
2. In the days following the June 24 Republican Primary Run-Off Election, I was part of a group of True the Vote volunteers who requested access to voting records from Hinds County on July 7 and July 8, 2014. The purpose of my request was to determine whether or not voters who had voted in the Democratic Primary

unlawfully double voted in the Republican Primary Run-Off Election and whether any other irregularities had occurred during the Election.

3. As a member of the True The Vote team consisting of Ruth Wall, Melinda Kinley, Sharon Quinn and Jan Loar, we composed a written Open Records Request made in handwriting by Jan Loar and signed by Melinda Kinley with all four members of our team in agreement. This request was presented to Zach in the Hinds County circuit clerk's office on July 7, 2014, for voter pollbooks and absentee ballot applications and envelopes. After Zach processed this request, it was handed back to us. We then gave the request to Bill Billingsly who then gave our request to Election Commissioner Connie Cochran, who said she was responsible for providing the data listed in our request.


4. I (we) requested access to inspect absentee ballot applications and envelopes, absentee request forms and voter pollbooks from Barbara Dunn, the Hinds County Circuit Clerk. I (we) were not given access to inspect such records on July 7 or July 8 or any day thereafter.

5. Attached to this declaration are true and correct copies of the incident reports I completed regarding my requests for records from Hinds County. The reports are filled out in my own handwriting and I recognize the writings as true and correct copies of the reports I completed based on their appearance, contents and substance.

6. The attached incident reports were prepared by me to describe the events that occurred during my visits to Hinds County on July 7 and July 8, 2014. I made the reports on July 7 and July 8 immediately after the events described therein and when those events were fresh in my memory. Upon completing the reports, I gave them to True the Vote to maintain in its records.

7. Further, declarant sayeth not.

Signed on this the 5th day of August, 2014.


Ruth Wall

**TRUE *the* VOTE****INCIDENT REPORT****NAME***Ruth Wall***DATE***7/5/14*

Please complete the fields below using the notes from your activities as a poll watcher.

PRECINCT/WARD #**POLLING PLACE NAME***Hinds County Court House***ADDRESS****CITY***Jackson***STATE***MS***ZIP****COUNTY***Hinds*

Please complete the fields below using your notes.

POLL SUPERVISOR**ASST POLL SUPERVISOR****CLERK 1 NAME****CLERK 2 NAME****CLERK 3 NAME****CLERK 4 NAME****OFFENDER POSITION****DATE/TIME OF INCIDENT***all day*

Continued to second Page

EXHIBIT 11-A



TRUE *the* VOTE

TYPE OF INCIDENT

Refusal to see docs

DESCRIPTION OF INCIDENT

See attached sheet

REMEDY OR ACTION TAKEN

I certify and affirm that the above information is true and correct.

SIGNATURE

Ruth Wall
Melinda Kintley

Mail To:

True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:

info@truethevote.org

Incident Report - Hinds County Tuesday, July 8, 2014 Ruth Wall

Melinda Kinley & I arrived 9:25a at the Circuit Clerk's office. Bill Billingsly, volunteer for McDaniel's campaign, was walking out of Clerk's ofc & stated they were about to begin examining the ballots in the conference room. Told us that we could not see the absentee docs or be in exam room because State law says only 2 reps for each candidate were allowed. Bill agreed that when they were finished he could bring the docs back to Clerk & then we could see them. He volunteered to call Melinda & said it might be an hour or so before they were finished. We saw Pete Perry (Cochran's rep) walk by to exam room. We "hung out" standing by exam room door watching who entered & left. There were 4 men & 1 woman (5) around central table. at one point Perry left & returned carrying 2 white boxes, which we were later told contained rejection ballots & military ballots, etc. Often there were 5 or more additional people walking in & out & some of them gathered down the hall in front of Clerk's ofc by a long table.

About 10:30a or so a female reporter from local channel 12 & FOX Entertainment Ch. 40 arrived & set up camera on tripod in hall

we were told we were not allowed to see the docs if it is true that only 2 reps from each party were allowed in exam room. a lady named LeHecha confirmed this was true.

Incident Report - Hinds Cnty

7/8/2014 - Ruth Wall

(2)

in front of us. We asked her affiliation & she told us WLBT & said she's been covering the story "from the beginning." This reporter was allowed to go in & out of the exam room while review was conducted & she even filmed inside the room. She also set up camera outside the room in the hall & interviewed one of the young men who went in & out (who had also been "observing" us.) Reporter interviewed Bill Billingsley in the hall & we moved aside so as not to be seen or to interfere. Later we asked reporter when the filming would appear on news & she said "It was already on the noon broadcast but would also be on at 5 or 6 p. She had easy access to the people in the exam room & apparently filmed inside the room too.

We stood outside exam room for several hours waiting for them to bring out some docs for our review as we had been told by Billingsley earlier.

* [INSERT - See Incident report by Melinda Kinley regarding our meet w/ Clerk Barbara Dunn during this time period.]

Melinda had been texting Catherine & Vickie regularly as events occurred. Greg & Catherine appeared after noon during Barbara Dunn's

Incident Report - Niles Cnty
7/8/2014 - Ruth Wall

(3)

Lunch hour. We informed them of all these events. Greg & Melinda went into Dunn's office area & spoke to Le Decha McKinley who is the person Barbara Dunn has appointed to handle her ofc while Dunn goes to the Circuit Clerk's convention starting tomorrow Wed July 9. Le Decha gave them a printed copy of an email message from the Secy of State ofc regarding procedure for who could see the docs, etc.

* [Insert: Catherine Englabrecht took cell phone pictures of the 3 pages & also ^{took} the printed version with her. See Catherine for details]

☆ → We were with Catherine & Greg when Bill Billingsly left for lunch & met them and us. Then Barbara Dunn arrived from lunch. Greg explained to her what docs we were attempting to review. Melinda & Catherine wrote on a small slip of paper "absentee applications & envelopes and all Federal Postcard Applications (FPCA) submitted since June 2012." Greg gave Barbara Dunn this paper request & Barbara said she would go to her office & call the Attorney General for direction. Greg & Catherine left & we waited about 45 min or so.

Then Pete Perry & another man who

Incident Report - Hines Cnty
7/8/2014 - Ruth Wall

(4)

would not give his name but later stated he was part of Cochran campaign came to us. Perry said that state law says no one other than the candidates or their reps are allowed to examine the absentee ballots until 20 days after the election. This period is so they parties ^(candidates) "could" "CONTEST" the election. If any 3rd party were allowed to view/review the ballot info, it could cause a court to throw out the contest. so neither true the voter nor anyone else can see these docs. We asked for a copy of the law and Perry gladly made a copy & brought it to us. [See attached sheet for law: Mississippi Election Code, p.155, Revised 1/2009]

We were gathering our belongings to leave shortly thereafter when Pete Perry went into Clerk's office & came back out with the small paper request we had given Barbara Dunn (see page 2 of these notes with stars in margin). Perry said we could not have access to the absentee apps & envelopes for June 24 runoff due to 20 day wait period before they become public docs. Perry did say we could probably get Dunn's ofc to find the FPCA's from June 2012 on. He said Barbara Dunn did not want to give them.

Incident Report - Hines Cnty
7/8/2014 - Ruth Wall

(5)

Mississippi Atty Genl who confirmed what we were being told.

So as we prepared to leave, Election Commissioner Connie Cochran walked by & said she was working on our previous day's request for electronic files (Excel) but it was a hectic day & she said she would send them to us at the email addresses given her (Taylor Phillips & Melinda Kinley).

Absentee
Applications
4
Envelopes
and
all Federal Postcard
Applications (FPCA)
Submitted since June 7, 12

may qualify as a candidate for more than one (1) municipal office if the same day. If a person takes the steps necessary to qualify for more than one office or election commissioner shall determine the last office for which he considered to be qualified as a candidate for that office only and the election.

September 10, 2007 (the date the United States Attorney General amended the Voting Rights Act of 1965, to the addition of this section.)

ARTICLE 29. ELECTION CONTESTS.

Subarticle A. General Provisions

Contests after general or primary elections; examinations by candidates

E. Given to Barbara
Dean, by Greg Phillips
This paper was returned
to us by State Party

contents of the ballot box and the conduct of the election thereat have been on commission in the case of general elections or the county executive shall the contents of the box required to be placed and sealed in the ballot box by the election commission or executive committee, as the case may be, and delivered to the circuit clerk, who shall safely keep and secure the box any time within twelve (12) days after the canvass and examination of the ballot box or executive committee, as the case may be, any candidate or his agent shall have the right of full examination of said box and its contents upon

three (3) days' notice of his application therefor served upon the opposing candidate or candidates, or upon any member of their family over the age of eighteen (18) years, which examination shall be conducted in the presence of the circuit clerk or his deputy who shall be charged with the duty to see that none of the contents of the box are removed from the presence of the clerk or in any way tampered with. Upon the completion of said examination the box shall be resealed with all its contents as theretofore. And if any contest or complaint before the court shall arise over said box, it shall be kept intact and sealed until the court hearing and another ballot box, if necessary, shall be furnished for the precinct involved.

(2) The provisions of this section allowing the examination of ballot boxes shall apply in the case of an election contest regarding the seat of a member of the State Legislature. In such a case, the results of the examination shall be reported by the applicable circuit clerk to the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be.

SOURCES: Derived from 1972 Code § 23-3-23 [Codes, 1942, § 3169; Laws, 1935, ch. 19; repealed by Laws, 1986, ch. 495, § 333]; en, Laws, 1986, ch. 495, § 279; Laws, 1987, ch. 499, § 10; Laws, 2000, ch. 450, § 4, eff from and after August 7, 2000 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965 to the amendment of this section.)

§ 23-15-913. Judges to be available to hear and resolve election day disputes.

The judges listed and selected to hear election disputes as provided in Section 23-15-951, Mississippi Code of 1972, shall be available on election day to immediately hear and resolve any election day disputes. The rules for filing pleadings shall be relaxed to carry out the purposes of this section. The judges selected shall perform no other judicial duties on election day. The Supreme Court shall send judges to the sites of disputes but no judge shall hear a dispute in the district, subdistrict or county in which he was elected nor shall any judge hear any dispute in which any potential conflict may arise. Each judge shall be fair and impartial and shall be assigned on that basis.

SOURCES: Laws, 1999, ch. 301, § 15, eff from and after January 15, 1999 (the date the United States Attorney



TRUE the VOTE

INCIDENT REPORT

NAME

Burt Wall

DATE

7/7/14

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD #

POLLING PLACE NAME

Hinds Court House

ADDRESS

316 S. President

CITY

Jackson

STATE

MS

ZIP

39201

COUNTY

Hinds

Please complete the fields below using your notes.

POLL SUPERVISOR

McDaniel campaign volunteer Bill and Billingsley

ASST POLL SUPERVISOR

Elections Commissioner Connie Cochran

CLERK 1 NAME

CLERK 2 NAME

CLERK 3 NAME

CLERK 4 NAME

OFFENDER POSITION

DATE/TIME OF INCIDENT

7/7/14

Continue to Second Page

EXHIBIT 11-B

Ruth Wall
Pc 2

TRUE the VOTE

TYPE OF INCIDENT

weren't given immediate access to absentee ballots

DESCRIPTION OF INCIDENT

Bill Billingsley stated that we couldn't see June 24 Runoff Ballot info until it was certified later today or Tuesday. said the 3 parties need to see them first & then I we would have access. said room tomorrow would be crowded but we were welcome to come & he would give us the list after they were finished, if Cochran's people didn't greet us. Later Billy was helpful in giving us info on how to file open records request to be present for viewing the docs & getting electronic files we requested. He asked Zach from Iders Barbara Dunnis of to assist in our written request which he did. We presented the request from Zach to Billingsley who would give to Election Commissioner Connie Cochran upon

REMEDY OR ACTION TAKEN

her return from lunch. When we returned from lunch, Connie & Bill were together. Connie said "I can't give you today the electronic file (e-mail sheet) of June 3 Primary ballots because election must first be "CLOSED" by Pete Perry (Chair of Hinds County Republican Party) then she would gladly give to us. She said "I could probably get it for you tomorrow Tues afternoon". She agreed to provide file emailed to Taylor Phillips & Melinda Kinley (TTV). She gave us her cell # & took Melinda's #. Connie is married to T had's younger brother. Connie said her report might not show whether voter voted in person or absentee; but she will TRY to get that info for us Tuesday. Connie explained procedure → (over)

I certify and affirm that the above information is true and correct.

SIGNATURE

Ruth Wall, Sharon Quinn
Melinda Kinley
Jan Loan

Mail To:
True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org

for system of absentee ballots: Said rejected
absentee ballots are kept in vault. all ballots
of any kind MUST be kept 21 mos. Poll
workers have final word if an absentee ballot
is accepted or rejected, per the SOS ofc or,
Connie said, maybe the AG. after election
is closed + after 21 mos, ballots are
then taken to warehouse for several years.

Ruth Wall
P-3